

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE AUTHORS GUILD, INC., Associational  
Plaintiff, BETTY MILES, JOSEPH  
GOULDEN, and JIM BOUTON, on behalf of  
themselves and all other similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 05 Civ. 8136 (DC)

**ECF Case**

THE AMERICAN SOCIETY OF MEDIA  
PHOTOGRAPHERS, INC., GRAPHIC  
ARTISTS GUILD, PICTURE ARCHIVE  
COUNCIL OF AMERICA, INC., NORTH  
AMERICAN NATURE PHOTOGRAPHY  
ASSOCIATION, PROFESSIONAL  
PHOTOGRAPHERS OF AMERICA, LEIF  
SKOOGFORS, AL SATTERWHITE,  
MORTON BEEBE, ED KASHI, JOHN  
SCHMELZER, SIMMS TABACK, LELAND  
BOBBE, JOHN FRANCIS FICARA, and  
DAVID W. MOSER, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 10 Civ. 2977 (DC)

**ECF Case**

**DEFENDANT GOOGLE INC.'S REQUEST FOR JUDICIAL NOTICE**

Pursuant to Rule 201 of the Federal Rules of Evidence, Defendant Google Inc. (“Google”) hereby respectfully requests that, in connection with its Motion to Dismiss filed and served concurrently herewith, the Court take judicial notice of each of the documents listed below.

Under Rule 201(d) courts shall take judicial notice of adjudicative facts if requested by a party and supplied with the necessary information. “A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).

For the reasons set forth above, Defendants respectfully request this Court to take judicial notice of each of the following documents:

Exhibit 1: Decision from *Association for Information Media and Equipment v. Regents of the University of California*, No. CV 10-9378 CBM (MANx) (C.D. Cal. Oct. 3, 2011) available at <http://www.aime.org/news.php?download=nG0kWaN9ozI3plMICGRm>.

Exhibit 2: Excerpts taken from Tad Crawford & Kay Murray, *The Writer’s Legal Guide: An Authors Guild Desk Reference* (3d ed. 2002).

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Exhibit 3: Excerpts taken from American Society of Media Photographers, *ASMP Professional Business Practices in Photography* 22 (7th ed. 2008).

Dated: December 22, 2011

Respectfully submitted,

By: /s/ Joseph C. Gratz

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